IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9312 of 2005

Between:

J.K.Reddy, S/o. Chinna Reddy,
Wanaparthy Bus depot, Mahabubnagar District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC,
SHADNAGAR BUS DEPOT, Mahabubnagar District.
2 The Depot Manager,APSRTC,
Wanaparthy Bus depot Mahabubnagar District.
3 The Regional Manager,APSRTC,
Mahabubnagar Region, Mahabubnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondents in imposing the punishment of withholding petitioners annual increment for a period of two years which shall have effect on petitioners future increments as illegal, arbitrary, unjust and unreasonable and violative of principles of natural justice and also contrary to the judgments of this Hon'ble Court and Apex Court by setting aside the final order No.02/104(5) /91 -SDR dated 26.2.1991 of the R1 herein and consequently direct the respondent to add the increments which were withholded.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent Nos.1 to 3: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following O R D E R:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner questions the order dated 26.02.1991 imposing punishment of postponement of annual increments for a period of two years, which shall have the effect of postponing the future increments.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K.Mastan v. Managing Director, APSRTC**, held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of annual increments for a period of two years without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increments for a period of two years, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. However, he is entitled for increments on notional calculation. No costs.

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(K.C.BHANU,J)

Dt:26th April, 2005

Kvr

To

1 The Depot Manager, APSRTC,
SHADNAGAR BUS DEPOT, Mahabubnagar District.
2 The Depot Manager,APSRTC,
Wanaparthy Bus depot Mahabubnagar District.
3 The Regional Manager,APSRTC,
Mahabubnagar Region, Mahabubnagar District.

4 Two CD copies.